

FILED

MAR 22 2013

Board of Vocational Nursing
and Psychiatric Technicians

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BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. PT-2011-3883

MARCUS JOHNSON MASSANGALE
36282 Bayhill Drive
Beaumont, CA 92223

A C C U S A T I O N

Psychiatric Technician License No. PT
28207

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about August 5, 1992, the Board of Vocational Nursing and Psychiatric Technicians issued Psychiatric Technician License Number PT 28207 to Marcus Johnson Massangale (Respondent). The Psychiatric Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2014, unless renewed.

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4. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender and/or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

...

"(n) The commission of any act involving dishonesty, when that action is substantially related to the duties and functions of the licensee."

6. Section 125.3 of the Code provides, in pertinent part, that a Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(Dishonest Acts)

a. From January 2008 through April 2011, while employed as a psychiatric technician at Patton State Hospital (PSH) in Patton, California, Respondent conspired with PSH personnel services specialist Jose Romero to steal more than \$204,000.00 from the State of California by

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1 fraudulently claiming, receiving and accepting wages from the state for hours that he had not
2 actually worked.

3 b. Specifically, Respondent conspired with Romero to submit false information to the
4 State Controller's Office which indicated that Respondent was working a full-time schedule and
5 exorbitant amounts of overtime at PSH when, in fact, Respondent worked few regular hours each
6 month and little to no overtime. As a result of these fraudulent activities, Respondent was
7 routinely issued paychecks which grossly overstated the amount owed to him by the state.
8 Respondent deposited each of those checks into his credit union account, later withdrawing
9 substantial portions of the stolen income to share with Romero. Romero admitted his
10 involvement in the conspiracy with Respondent when questioned by officers of the Patton State
11 Hospital Police Department.

12 DISCIPLINARY CONSIDERATIONS

13 8. To determine the degree of discipline, if any, to be imposed on Respondent,
14 Complainant alleges that on or about January 26, 2001, in the criminal matter entitled *The People*
15 *of the State of California v. Marcus Antonius Johnson* (Super. Ct. San Bernardino County, 2001,
16 No. MSB053530) Respondent was convicted of one misdemeanor count of violating Penal Code
17 section 273.5(a) [corporal injury to a spouse]. Respondent sentenced to thirty (30) days in jail,
18 placed on probation for a period of three (3) years and ordered to complete a 52-week Batterers'
19 Treatment Program.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
23 issue a decision:

24 1. Revoking or suspending Psychiatric Technician License Number PT 28207, issued to
25 Marcus Johnson Massangale;

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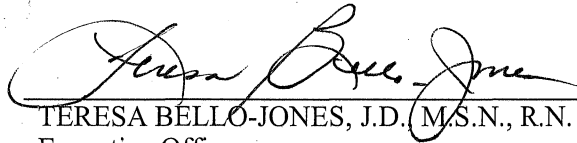
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1 2. Ordering Marcus Johnson Massangale to pay the Board of Vocational Nursing and
2 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
3 and, if placed on probation, the costs of probation monitoring;

4 3. Taking such other and further action as deemed necessary and proper.

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6 DATED: **MAR 22 2013**



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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